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(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. MARKEY introduced the following bill; which was referred to the
Committee on _____

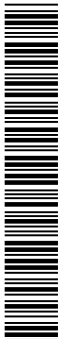
A BILL

To establish a task force to evaluate and make recommenda-
tions with respect to the security of sealed sources of
radioactive materials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dirty Bomb Prevention
5 Act”.



1 **SEC. 2. RADIATION SOURCE PROTECTION.**

2 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
3 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-
4 ing at the end the following new section:

5 “SEC. 170C. Radiation Source Protection.—

6 “a. TASK FORCE ON SEALED SOURCE PROTEC-
7 TION.—

8 “(1) ESTABLISHMENT.—There is hereby estab-
9 lished a task force on sealed source protection.

10 “(2) MEMBERSHIP.—The task force shall be
11 headed by the Chairman of the Commission or his
12 designee. Its members shall be the following:

13 “(A) The Secretary of Homeland Security
14 or his designee.

15 “(B) The Secretary of Defense or his des-
16 ignee.

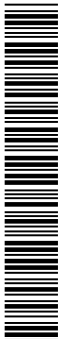
17 “(C) The Secretary of Energy or his des-
18 ignee.

19 “(D) The Secretary of Transportation or
20 his designee.

21 “(E) The Attorney General or his des-
22 ignee.

23 “(F) The Secretary of State or his des-
24 ignee.

25 “(G) The Director of the Central Intel-
26 ligence Agency or his designee.



1 “(H) The Director of the Federal Emer-
2 gency Management Agency or his designee.

3 “(I) The Director of the Federal Bureau of
4 Investigation or his designee.

5 “(3) DUTIES.—

6 “(A) IN GENERAL.—The task force, in
7 consultation with other State, Federal, and
8 local agencies and members of the public, as
9 appropriate, shall evaluate and provide rec-
10 ommendations to ensure the security of sealed
11 sources from potential terrorist threats, includ-
12 ing acts of sabotage, theft, or use of such
13 sources in a radiological dispersal device.

14 “(B) RECOMMENDATIONS TO CONGRESS
15 AND THE PRESIDENT.—Not later than 180
16 days after the date of the enactment of this sec-
17 tion, and not less than once every 3 years there-
18 after, the task force shall submit a report to
19 Congress and to the President, in unclassified
20 form with a classified annex if necessary, pro-
21 viding recommendations, including rec-
22 ommendations for appropriate regulatory and
23 legislative changes, for—

24 “(i) the establishment of or modifica-
25 tions to a classification system for sealed



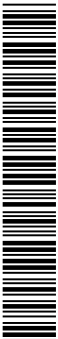
1 sources based on their potential
2 attractiveness to terrorists and the extent
3 of the threat to public health and safety,
4 taking into account sealed source radioac-
5 tivity levels, dispersability, chemical and
6 material form, for radiopharmaceuticals,
7 the availability of these substances to phy-
8 sicians and patients whose medical treat-
9 ments relies on them, and other factors as
10 appropriate;

11 “(ii) the establishment of or modifica-
12 tions to a national system for recovery of
13 sealed sources that have been lost or sto-
14 len, taking into account the classification
15 system established under clause (i);

16 “(iii) the storage of sealed sources not
17 currently in use in a safe and secure man-
18 ner;

19 “(iv) the establishment of or modifica-
20 tion to a national tracking system for
21 sealed sources, taking into account the
22 classification system established under
23 clause (i);

24 “(v) the establishment of or modifica-
25 tions to a national system to impose fees

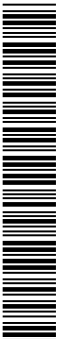


1 to be collected from users of sealed
2 sources, to be refunded when the sealed
3 sources are returned or properly disposed
4 of, or any other method to ensure the re-
5 turn or proper disposal of sealed sources;

6 “(vi) any modifications to export con-
7 trols on sealed sources necessary to ensure
8 that foreign recipients of sealed sources
9 are able and willing to control United
10 States-origin sealed sources in the same
11 manner as United States recipients;

12 “(vii) whether alternative technologies
13 are available that can perform some or all
14 of the functions currently performed by de-
15 vices that employ sealed sources, and if so,
16 the establishment of appropriate regula-
17 tions and incentives for the replacement of
18 such devices with alternative technologies
19 in order to reduce the number of sealed
20 sources in the United States; and

21 “(viii) the creation of or modifications
22 to procedures for improving the security of
23 sealed sources in use, transportation, and
24 storage, which may include periodic Com-
25 mission audits or inspections to ensure



1 that sealed sources are properly secured
2 and can be fully accounted for, Commis-
3 sion evaluation of security measures, in-
4 creased fines for violations of Commission
5 regulations relating to security and safety
6 measures applicable to licensees who pos-
7 sess sealed sources, background checks for
8 certain individuals with access to sealed
9 sources, assurances of the physical security
10 of facilities that contain sealed sources,
11 and the screening of shipments to facilities
12 particularly at risk for sabotage of sealed
13 sources to ensure that they do not contain
14 explosives.

15 “b. COMMISSION ACTIONS.—Not later than 60 days
16 after receipt by Congress and the President of the report
17 required under subsection a.(3)(B), the Commission, in
18 accordance with the recommendations of the task force,
19 shall take any appropriate actions, including commencing
20 revision of its system for licensing sealed sources, and
21 shall take necessary steps to ensure that States that have
22 entered into an agreement under section 274 b. establish
23 compatible programs in a timely manner.

24 “c. NATIONAL ACADEMY OF SCIENCES STUDY.—Not
25 later than 60 days after the date of the enactment of this



1 section, the Commission shall enter into an arrangement
2 with the National Academy of Sciences for a study of in-
3 dustrial, research, and commercial uses for sealed sources.
4 The study shall review the current uses for sealed sources,
5 identifying industrial or other processes that utilize sealed
6 sources that could be replaced with economically and tech-
7 nically equivalent (or improved) processes that do not re-
8 quire the use of radioactive materials. The Commission
9 shall transmit the results of the study to Congress within
10 24 months after the date of the enactment of this section.

11 “d. DEFINITION.—For purposes of this section, the
12 term ‘sealed source’ means any byproduct material or spe-
13 cial nuclear material encased in a capsule designed to pre-
14 vent leakage or escape of the material, except that such
15 term does not include fuel or spent fuel.”.

16 (b) TABLE OF SECTIONS AMENDMENT.—The table of
17 sections of the Atomic Energy Act of 1954 is amended
18 by adding at the end of the items relating to chapter 14
19 the following new items:

“Sec. 170B. Uranium supply.

“Sec. 170C. Radiation source protection.”.

